

# Order

Michigan Supreme Court  
Lansing, Michigan

February 4, 2015

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2014-45

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Proposed Adoption of Rule 5.731a  
of the Michigan Court Rules

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein,  
Justices

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On order of the Court, this is to advise that the Court is considering adoption of Rule 5.731a of the Michigan Court Rules. Before determining whether the proposed new rule should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Because the entire proposed rule is new, there is no underlining.]

## Rule 5.731a Clinical Certificates

A clinical certificate shall be marked and filed as confidential. Only persons who are determined by the court to have a legitimate interest may be allowed access to the confidential document. In determining whether a person has a legitimate interest, the court shall consider the nature of the proceedings, the welfare and safety of the public, the interest of the respondent, and restriction(s) imposed by state or federal law.

*Staff Comment:* The proposed rule would require clinical certificates to be marked and filed as confidential and would allow only persons who have been found by the court to have a legitimate interest in the confidential documents to be granted access.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201.

Comments on the proposal may be sent to the Office of Administrative Counsel in writing or electronically by June 1, 2015, at P.O. Box 30052, Lansing, MI 48909, or [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2014-45. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 4, 2015

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk